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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,950	09/29/2003	Peter J. Balsells	2967	3808

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EXAMINER

SCHWARTZ, CHRISTOPHER P

ART UNIT PAPER NUMBER

3683

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,950

Applicant(s)

BALSELLS, PETER J.

Examiner

Christopher P. Schwartz

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER

DETAILED ACTION

1. The amendment filed November 26, 2004 has been received and considered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-12,15,16,19-34,37,38,41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balsells '638 in view of Balsells '788 or Watanabe.

Regarding claims 1,25 Balsells '638 discloses a device with which applicant is well familiar and in the several embodiments shows primary and secondary coils (see figures 19,25,29,36,38,43... 92,93). These figures would seem to show primary and secondary coils of a different dimensional size with the secondary wire coils being disposed between adjoining and contiguous primary wire coils, as broadly claimed even though they may be connected at their ends. Applicant's argue at the bottom of page 10 of their remarks that in the '638 reference the "end coils are not disposed between adjoining and contiguous primary coils but rather are disposed at the ends of the intermediate coils". While this would not seem to be the case in the latter embodiments of '638, such an idea is old and well known.

For example while Balsells '788 teaches the use of contiguous primary and secondary coils at 402 and 406 in the latter embodiments it is notoriously well known to

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make plural parts singular and vice-versa to save on expense, complexity and weight or to make assembly and disassembly of mechanical parts easier.

Watanabe shows a spring in figure 4 having primary and secondary coil springs as per applicant's (note figure 11 H of applicant's figures).

To have incorporated the teachings of either Balsells '788 or Watanabe figure 4 would simply have amounted to an obvious variation to that of Balsells '638 dependent upon the particular load vs. force characteristics desired from the spring.

Regarding claims 2-7, 12 from the discussion in col. 2 lines 49-52 and as can be seen from the several embodiments, and as broadly claimed, these requirements are met by '638. Note that the interpretation of the "primary" and "secondary" coils, with respect to at least several of the claims, may be reversed.

Regarding claims 9, 20-22 see the discussion in col 2 lines 49-52 and 61-63. See also the discussion with regard to figure 103.

Regarding claims 10, 11 see the embodiments shown in figures 92, 93 and the discussion at the top of column 9.

Regarding claim 25 see the embodiment of figures 38, 39.

Regarding claims 26-29, 31-34, 42-44 as discussed above, these requirements are met.

Regarding claims 8, 30 to have made the primary and secondary coils of '638 from different gauge wire would have been obvious to the ordinary skilled worker in the art at the time of the invention dependent upon the spring characteristics desired, as is notoriously well known in the art. See Balsells '788 column 9 lines 42-50.

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Regarding claims 15,37 being that '638 states that various combinations of the shapes of the springs and angles thereof may vary to accommodate axial and/or radial loading (col 3 lines 3,4 and 9-17) one having ordinary skill in the art at the time of the invention would have found it obvious to have oriented the primary and secondary coils of '638 to the claimed orientation to accommodate a specific application (i.e. load vs. deflection) intended for the spring.

Regarding claims 16,38 these requirements are met.

Regarding claims 19,24,41 such a cross section for one of the coils would simply amount to an obvious alternate equivalent cross section to that discussed by '638 in col 2 lines 49-52 and 61-63 dependent upon a particular application for the spring.

Regarding claims 23,45 simply to have used a spring with coils having "flat sides", in '638 as modified, as taught by Watanabe, would have been obvious dependent upon the application for the spring

4. Claims 13,14,17,18,35,36,39,40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balsells '638, as modified above, and further in view of Balsells '276.

Regarding claims 13,14,17,18,35,36,39,40 one having ordinary skill in the art would have found it obvious to have canted the primary and secondary coils of '638, as modified, with the claimed turned angles dependent upon the particular application of the garter spring or desired load vs. deflection characteristics, as taught by '276 in figures 9 and 10.

Response to Arguments

5. Applicant's arguments filed 11/26/04 have been fully considered but they are not persuasive. Applicant's arguments are believed to be addressed in the action above. Also the amendment necessitated a new grounds of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Schwartz whose telephone number is 703-308-0576. The examiner can normally be reached on M-F 9:30-6:00.

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8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bucci can be reached on 703-308-3668. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Cps
2/17/05

CHRISTOPHER P. SCHWARTZ
PRIMARY EXAMINER
